

*Jennifer Louise Jenkins, Administrator ad Litem of the Estate of Sterling L. Higgins  
v. Obion County, Tennessee, et al.*

No. 20-cv-01056 STA-atc

Declaration of Edwin S. Budge

Exhibit K

*McCourt Video Analysis and Investigation Inc.*

127 West 83 St #5  
New York, NY 10024  
914 393 9189  
[mccourtvideo@aol.com](mailto:mccourtvideo@aol.com)  
McCourtVideo.com

# *Forensic Video Analysis Report*

*January 25, 2021*

## **OVERVIEW**

I was retained by attorney Edwin Budge of Budge & Heipt, PLLC to examine, review, forensically analyze and clarify digital video images related to an incident involving Sterling Higgins at the Obion County jail.

## **QUALIFICATIONS**

I am a forensic video professional with over 25 years of experience in the fields of video production, law enforcement, and forensic video analysis. I am a retired NYPD Counter Terrorism Sergeant who specialized in video analysis. My final NYPD assignment was the daytime supervision of the Counterterrorism Command Center where we monitored and forensically analyzed video feeds from all around New York City. I have completed two years of full time study in Criminal Justice at the John Jay College of New York and three years of full time study in Film and Television from New York University. I was Certified as Video Forensic Technician by the Law Enforcement Video Association in October 2010 and I am Digital Recovery Specialist and Video Analyst. I am a member of the Law Enforcement Video Association, and a former sergeant with the Technical Unit of the New York City Police Department. I am a professionally trained instructor and lecturer in the area of forensic video analysis. I have taught and lectured in the area of forensic video analysis to law enforcement and other professionals and have many years of experience working in the field of forensic video analysis in connection with my law enforcement work.

I am currently the President and Principal Consultant of a video and digital forensics consultancy firm. I regularly conduct forensic analysis and clarification of surveillance video and I am familiar with generally accepted standards for forensically analyzing and clarifying surveillance video. My attached curriculum vitae contains a further description of my relevant education, experience and training relevant to forensic video analysis. I have no publications in the last ten years to report.

## **RATE OF COMPENSATION**

I charge \$250 per hour for my forensic video work. My fee for depositions and court testimony is \$2,000 per day.

## PREVIOUS TESTIMONY

In the last four years, I have testified at trial or by deposition in these cases as an expert in video forensics:

1. People State of NY v. Joseph Caleca Queens Supreme Criminal Court, 5/2018. Judge LoPresto Indictment No. 221/2015 (Attempted Murder)
2. People State of Florida v. Mario Figueroa Circuit Court of the 11th Judicial Circuit Judge Michael Barket, 1/23/2019 Case M18-12868 (Assault)
3. People State of New Hampshire v. Heredia Docket #216-18-CR-872 Superior Court Manchester 2/7/2019 (Attempted Murder)
4. People of State of New York v. Beaton Staten Island Grand Jury 4/29/2019 (Murder)
5. People State of New Hampshire v. Heredia Docket #216-18-CR-873 Superior Court Manchester 10/29/2019 (Assault)
6. Ramina Lalehzari against 85-02 139th Realty LLC Index 717773/2017 Deposition 11/22/2019 (Civil Case Injury)
7. Mannarino v FCA US LLC No: 2:18-cv-10173-DML-DRG-9 Deposition 10/28/2020 (Civil Case Death)
8. People State of New York v. Presti 01/21/2021 Staten Island Grand Jury (Felony Assault with Vehicle on Law Enforcement)

## EVIDENCE REVIEWED AND FORENSIC WORK:

I was provided with and reviewed the following:

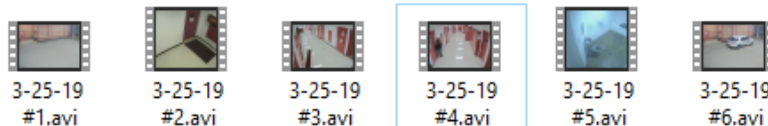
### A. Two DVD discs containing:

1. Disc 1: six (6) .avi (Audio/Video Interleave) "VideoInsight" video files "3-25-19 #1.avi" through "3-25-19 #6.avi" contained in a folder named "jail video 1"
2. Disc 2: seven (7) .mp4 files contained in the Officers Body Camera folder
3. Disc 2: Pocket Player video files, from a store security system.
4. Disc 2: Various audio files (911, radio and dispatch recordings)

### B. "Higgins" DVD containing:

1. six (6) avi (Audio/Video Interleave) "VideoInsight" video files "3-25-19 #1.avi" through "3-25-19 #6.avi" contained in a folder named "jail".
2. Seven (7) .mp4 video files contained in the "Body Camera" folder

The six jail "VideoInsight" .avi video files on both discs are digital duplicates and are the same.



The seven body camera .mp4 video files on both submitted discs are digital duplicates and are the same.

As part of my assignment, I was requested to use generally accepted forensic video analysis techniques to review video of events involving Sterling Higgins at the Obion County Jail and to undertake forensic work in order to clarify the video and images contained on the video.

Tools used for my review and examination included:

iNPUT-ACE Forensic Video Software

Microsoft Word

QuickTime player

Microsoft Picture Viewer

I reviewed the video submitted.

Pursuant to the request for video forensic services, I used generally accepted forensic video techniques to produce five forensic video files depicting, in part, a physical restraint of Mr. Higgins and, in part, the time frame after that physical altercation where Mr. Higgins was placed in a restraint chair and wheeled into a jail cell.

I also produced five smaller review copies of the same clarification work that are purposed for quick, efficient review. The files are smaller than the extremely large data forensic video files, but contain the same visual content contained in the five clarified forensic video sequences.

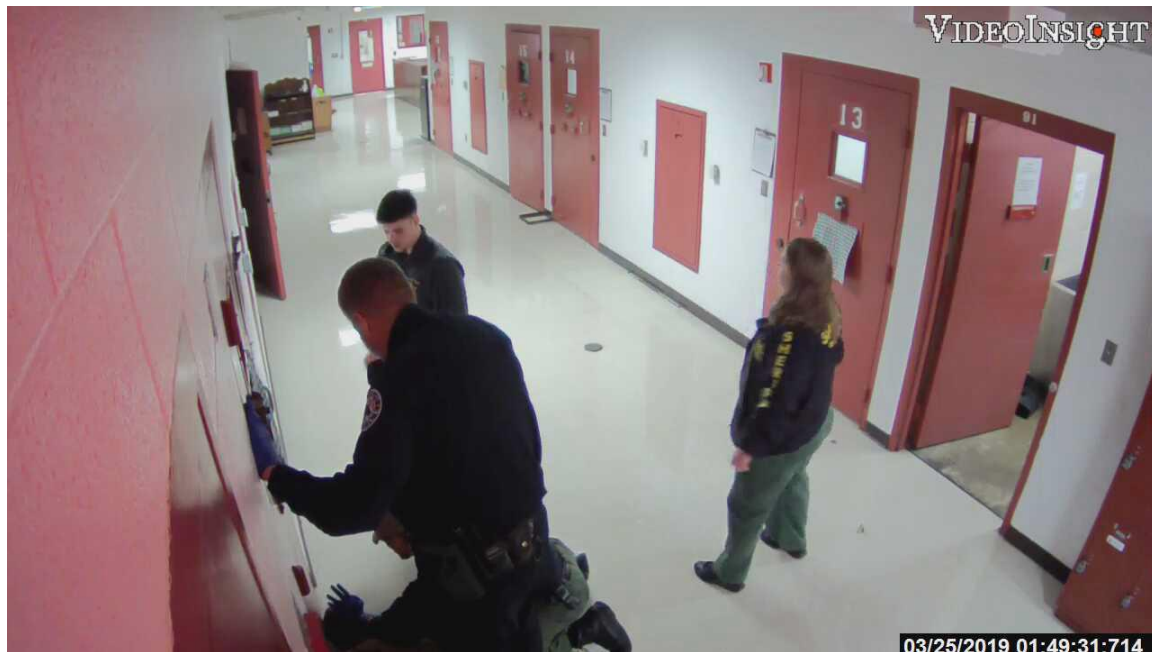
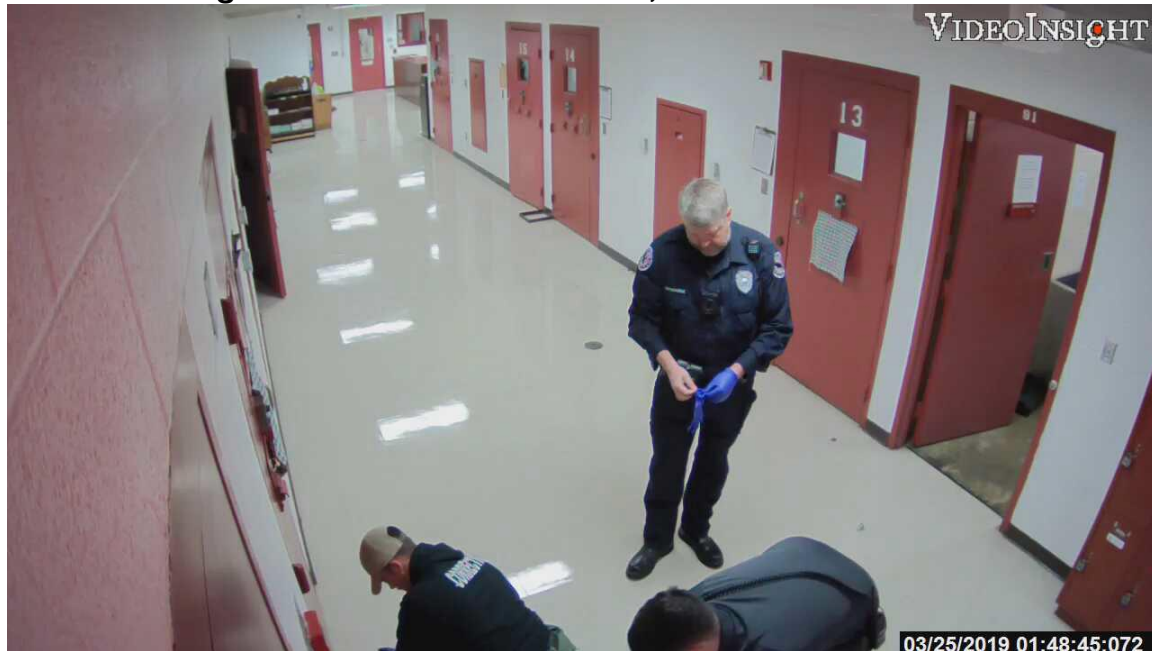
The five (5) clarified forensic video files:

1. Multiple\_canvas floor 2x NN cropped with FF.avi
2. Multiple\_Floor Cropped 2x NNTSTMP.avi
3. short chair\_SHORT CHAIR 2X NN TSTMP FF.avi
4. Opp view short\_Canvas opp view resized 3X and cropped FF 4FPS.avi
5. Opp view short\_Canvas opp view resized 3X and cropped FF.avi

The five (5) review files are .mp4 smaller video files with the same visual content.

The clarified forensic videos and sequential still images were provided to attorney Edwin Budge on flash drives as described below, and are generally described here:

Submitted original video: "3-25-19 #3.avi", duration 20 Minutes 39 seconds:



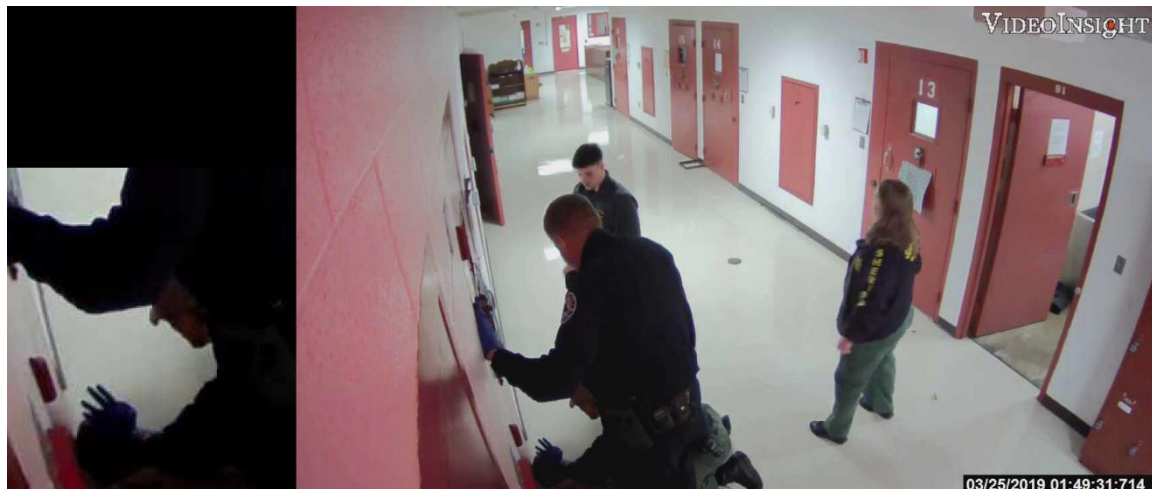
Forensic output, Video 1: "Multiple\_canvas floor 2x NN cropped with FF.avi" (two representative still images below)



Length duration shortened to 4 minute and 52 seconds.  
Video cropped and centered on incident.  
Enlarged nearest neighbor 200%.  
Time stamp superimposed, top.  
Folder containing sequential images of same.



Forensic output, Video 2: "Multiple\_Floor Cropped 2x NNTSTMP.avi" (two representative still images below)



Length duration shortened to 4 minute and 52 seconds.  
Video cropped and centered on incident.  
Enlarged nearest neighbor 200%.  
Full frame reference preserved on right pane.



Forensic output, Video 3: "short chair\_SHORT CHAIR 2X NN TSTMP FF.avi"  
(one representative image below.)



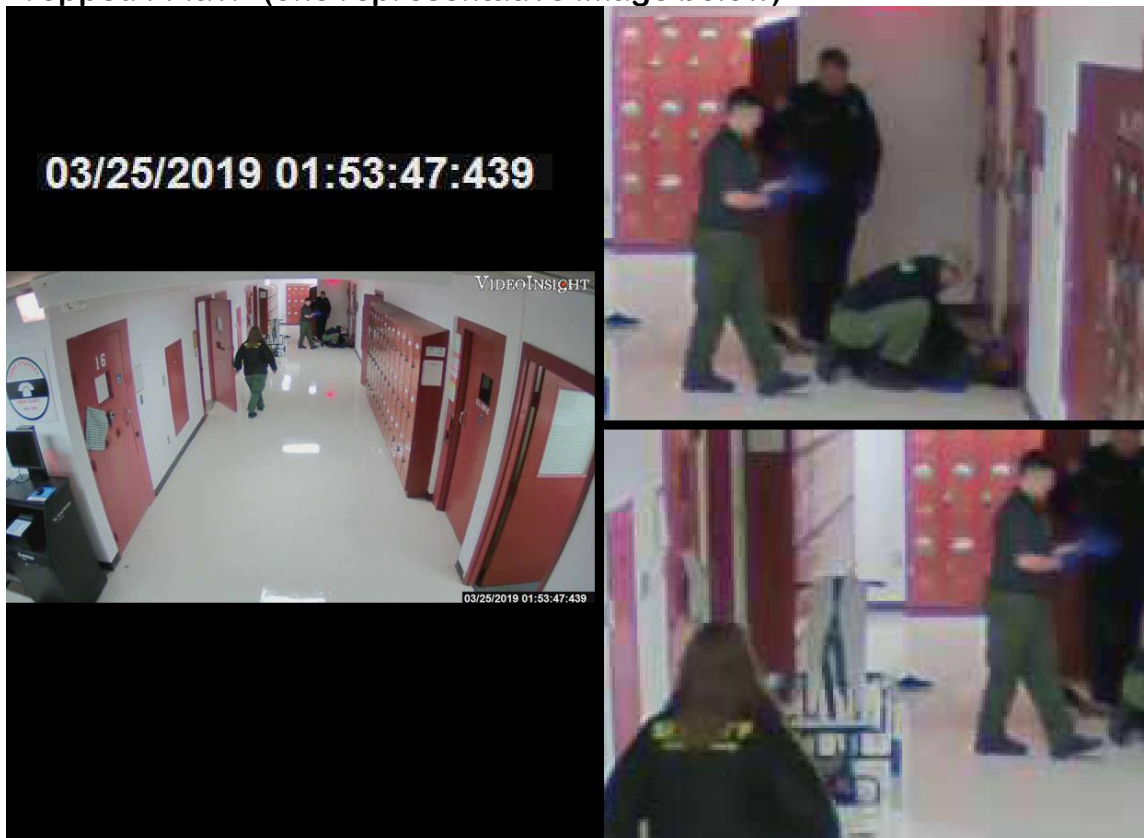
Length duration shortened to 6 minute and 23 seconds.  
Video cropped and centered.  
Enlarged NN 200%.  
Time stamp superimposed, top right.  
Folder containing sequential images of same.

Original video submitted: 3-25-19 #4.avi duration 17 minutes. (one representative image below)



Forensic output, Video 4 "Opp view short\_Canvas opp view resized 3X and cropped FF 4FPS.avi" (slowed down approximately 50 percent)

Forensic output, Video 5 "Opp view short\_Canvas opp view resized 3X and cropped FF.avi" (one representative image below)



Length duration shortened to 8 minutes 42 seconds (4 FPS/slowed version) and 4 minute and 21 seconds.

Video cropped and centered.

Enlarged "nearest neighbor" 300% on right with split concurrent screen.

Full frame reference preserved on left pane.

In addition, I obtained and isolated from the video thousands of consecutive still images captured in connection with the video recording of the above events.

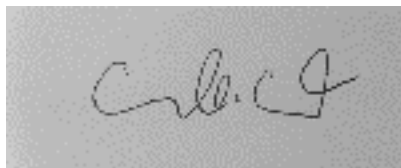
In order that my work product could be reviewed in detail, I prepared flash drives containing the results of my forensic video work and delivered these flash drives to Mr. Budge so that they could be provided in connection with this reader of this report.

Based upon my review of the materials provided to me, along with my training and experience, I have reached the following opinions to a reasonable degree of professional certainty based upon the accepted and established methodologies related to forensic video analysis:

1. The submitted video is original and authentic.
2. The video and images produced by me and contained on the flash drives allows the viewer to see certain aspects of the events captured on video in truer detail and with clarified, enlarged, centered, slowed-down with an individual image and time-referenced perspective than would otherwise be permitted without the forensic work I undertook. The video and images produced by me remain authentic depictions of the events and were prepared with accepted and established forensic video analysis methodologies in order to produce a work product that provides an accurate display of the true events to the viewer. I preserved the authenticity of the video and images of the recorded events and did not add to, subtract from, or otherwise alter the recorded events.

If called to testify at the trial of this matter, I intend to describe my work and may display the video and images if requested to do so. I reserve the right to supplement this report and my findings/opinions in the event I am supplied with additional materials for review.

Submitted by,

A handwritten signature in dark ink, appearing to read "Conor McCourt", is centered on a light gray rectangular background.

Conor McCourt  
McCourt Video Analysis and Investigations, Inc.

**Conor McCourt**

127 West 83 street #5 NY NY 10024 • (914)-393-9189 [mccourtvideo@aol.com](mailto:mccourtvideo@aol.com)

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***Summary***

*Forensic video professional with over 25 years of experience in the fields of video production, law enforcement, and video analysis, expertly trained to deliver the latest techniques and consultative services in forensic video technology.*

**McCourt Video Analysis and Investigations, Inc., 2002-present**

President, Court Certified Forensic Video Technician, NYS Licensed Private Investigator  
Offer expert forensic video analysis and consulting services, while employing the latest techniques and technology, to render, clarify and explain images captured by digital and analog CCTV.

Skilled at assisting clients to swift, cost-effective resolution of incidents captured on surveillance systems by applying specially developed clarification process.

Professionally trained instructor and lecturer:

- LEVA (Law Enforcement Video Association Intl.)
  - LEVA Member
  - Instructor, Digital Video Recovery, Chicago, IL-Oct 2003
  - Instruction Team, Forensic Video Analysis & the Law, for national law enforcement community-FBI Academy, Quantico & Indianapolis University 2003-2009
- Guest instructor at the New York State Police Forensic Investigative Center-Albany, October 2004

**New York City Police Department, New York, NY 1992-2009**

- Awarded Police Commissioner's Award for Police Academy's highest academic achievement, 1992
- Worked in various police precincts, units, and capacities in first 10 years

**Sergeant, Counterterrorism, Lower Manhattan Security Initiative, 2008-2009**

- Supervised Detectives gathering video and related data at NYPD Command Center

**Sergeant, Technical Unit, 2001-2005**

- Developed specialized sub-group dedicated to forensic video services
- Supervised and performed video recovery and clarification work for NYC
- Process and supervise thousands of criminal cases involving video evidence
- Assisted and supervised detectives in solving numerous high-profile NYC cases

### **Consulting, TV, and media highlights:**

- *Science Channel*, On Air Video Expert "Strange Evidence" TV series 2016 – Present (Five seasons)
  - *Inside Edition*, On Air Security and Video Expert 2012 – Present
  - *HBO Documentary*, "Who killed Garrett Phillips?" Video Expert, 2019
  - *Sirius XM*, Interview on John Fugelsang's "Tell Me Everything" 2018
  - *13 Ways of Looking* – Crime novel by C. McCann, Expert Consultant 2015
  - *Feature Documentary*, "Missing People" 1978 Cold Case Murder, 2015
  - *BBC TV*, On Air Security Expert at Ground Zero 2013
  - *Hidden Identities Educational Alliance Panel*, NYC March 2011
  - *Good Morning America*, *Showtime*, *MTV*, *CBS*, *FOX*, *Kenny Live TV show*, *NY1*, *RTE TV*, *NY Times*, *NY Daily News*, *NY Post*, *Irish Times*, *Irish Echo*, *WBAI*, and more, 1996 - Present
- **Romeo & Juliet Productions, Inc.**, New York, NY, 1995-2002  
President /Director/ Producer
    - Developed independent film-production company
    - Major Productions included:

***The McCourts of Limerick***, 1997 HBO/Cinemax and Worldwide  
***The McCourts of New York***, 1998 HBO/Cinemax and Worldwide  
Documentaries chronicling the lives of four Irish brothers and their family.

#### **Four Cops**, 1999

Documentary chronicling 4 individual Police Officers while on duty in 4 diverse locations: Indonesia, Philadelphia, Brazil and Ireland

### **OTHER FILM AND VIDEO EXPERIENCE:**

#### **ENG News Service**, New York, NY 1989-1992

Full time news cameraman covering breaking news in the five boroughs supplying video for all New York City news stations

#### **Film and Television Production**, 1987-1991

Worked on over forty major film and television shows including work as Associate Producer on *America's Most Wanted*

EDUCATION:

**John Jay College of the City University of New York**, New York, NY 1995-1996  
Undergraduate studies in Criminal Justice

**New York University**, Tisch School of the Arts, New York, NY 1983-1987  
Undergraduate studies in Film & Television.

TRAINING:

**LEVA: Law Enforcement Video Association**

Forensic Video Analysis and the Law- 2002  
Photographic and Image Comparison - 2009  
Processing Digital Multimedia Evidence- 2010  
Advanced Video Forensics and the Law- 2010  
FFMPEG - 2016

**Counterterrorism:**

Building Design for Homeland Security 2008  
Command Center Digital Video IBM/NYPD 2008  
Video Analytics 2009  
Maritime Security 2009 MPACT  
Maritime Infrastructure Protection NYPD 2009

**Other**

INPUT ACE Forensic Video Software -2016/2017/2018/2019